

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KAREN D. SMITH,

Plaintiff,

v.

THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, AS
TRUSTEE FOR THE BENEFIT OF
THE CERTIFICATE HOLDERS OF
THE CWABS INC., ASSET-BACKED
CERTIFICATES, SERIES 2007-SD1,
et al.,

Defendant.

CASE NO. C19-0538-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the parties' revised stipulation of dismissal (Dkt. No. 135). The parties have revised their stipulation to include the signature of all parties pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). (*See* Dkt. No. 134 (directing the parties to correct their previous filing).) Rule 41(a)(1)'s plain text allows only for the voluntary dismissal of an entire action against all defendants, but the Ninth Circuit has construed the rule to allow a party to dismiss all claims against one defendant (or against more than one defendant but fewer than all the defendants in an action) when all parties that have appeared have stipulated to such a

1 dismissal. *See Hells Canyon Preservation Council v. U.S. Forest Serv.*, 403 F.3d 683, 687 (9th
2 Cir. 2005). The instant stipulation (Dkt. No. 135) meets this requirement and, accordingly, is
3 self-executing. *See* Fed. R. Civ. P. 41(a)(1)(A).

4 This action is therefore DISMISSED with prejudice and without an award of costs or
5 attorney fees to either party as to NewRez LLC d/b/a Shellpoint Mortgage Servicing and The
6 Bank Of New York Mellon fka The Bank of New York, as Trustee for the Benefit of the
7 Certificate holders of the CWABS Inc., Asset-Backed Certificates Series 2007-SDI. The Clerk is
8 DIRECTED to terminate Docket Numbers 132 and 135.

9 DATED this 1st day of September 2021.

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11 Ravi Subramanian
Clerk of Court

12 s/Sandra Rawski
13 Deputy Clerk
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